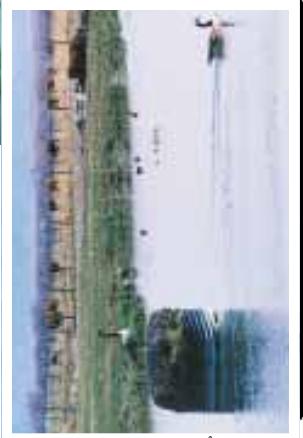


Why Are Wetlands Important?

For decades, we were unaware of the critical functions wetlands perform. In this new century, we understand the importance of keeping natural wetland systems healthy. Montana's remaining wetlands are essential to waterfowl, shorebirds, and other wildlife, water quality, and for providing flood control.



Art Today



Poncho McCoy

Wetlands And Water Rights

Although you may desire an artificial wetland, will you have a water right for the water in that wetland? Unless you have a valid water right, your use of water for that wetland may not be protected against others who desire the use of that water. A water right gives you a property right (and a priority date) that is valid in state Water Court. The Montana Department of Natural Resources and Conservation (DNRC) has



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What About Artificial Wetlands?

The Natural Resources Conservation Service (NRCS) defines an artificial wetland as land that was not a wetland under natural conditions, but now exhibits wetland characteristics due to human activities. Human induced wetlands, like those under irrigation, may meet the requirements of wetlands by water soils and vegetation

It is possible that artificial wetlands may not be subject to provisions of the NRCS Swampbuster Program, but be regulated by the ACOE under Section 404 of the Clean Water Act. The ACOE decides, on a case by case basis, if a human-induced wetland is subject to protection.

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For More Information

Or to request additional materials on wetlands and wetland-related programs available in the state, contact the Montana Watercourse at 406-994-6671.

You may reproduce or copy any portion of this brochure by notifying the Montana Watercourse at the above number. Please acknowledge this.

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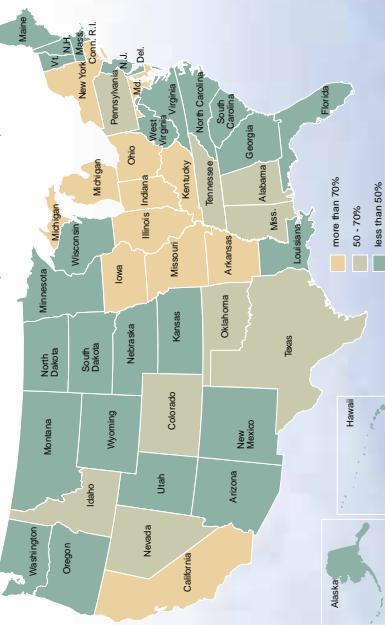
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Wetlands Losses (1780 - 19980)



Data from: Dahl TE. 1990. Wetlands Losses in the United States: 1780s to 1980s. US Dept. of Interior, Fish & Wildlife Service, Washington D.C.



What Is A Wetland?

Before undertaking any activity that may impact a wetland, you should have some understanding of basic wetland principles. Wetlands are considered transition zones between open water and uplands. Wetlands types in Montana include sloughs, margins around lakes, ponds and streams, wet meadows, fens, and potholes. Even so, many folks have separate ideas of what constitutes these areas and as a result they have different definitions of wetlands.

Wetland: A Legal Definition

Government agencies have adopted a consistent wetland definition developed jointly by the Army Corps of Engineers (ACOE) and Environmental Protection Agency (EPA), in "The Wetlands Delineation Manual of 1987":

Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This wetland definition is based on hydrology, hydric soils and hydrophytic vegetation. Only areas that meet all three criteria are considered wetlands subject to federal regulation.



Key Federal Laws Affecting Wetlands

Clean Water Act (CWA) 1972 Preamble is administered by the Environmental Protection Agency, the Army Corps of Engineers, and state agencies.	
Section 401 requires that states review and certify permits that may result in pollution discharges into surface waters and wetlands	Section 402 established a permit system required for any discharge of pollutants from a point source into navigable waters
National Environmental Policy Act	NEPA requires federal agencies to take action to minimize the destruction, loss or degradation of wetlands and to preserve the natural values of wetlands on federal lands
Executive Order 11990	Requires federal agencies take action to minimize destruction, loss or degradation of wetlands and to preserve natural values of wetlands on federal lands
Rivers and Harbors Act	Gives authority to the ACOE to prohibit discharge of solids or construction into tidal and navigable or adjacent waters
1985 Food Securities Act	"Swampbuster," denies some federal subsidies for conversion of wetlands to agricultural uses
Endangered Species Act	Administered by U.S. Fish and Wildlife Service, protects wetlands that offer unique habitat for endangered and threatened species

State Laws Affecting Wetlands

The Montana Environmental Policy Act and two Montana Administrative Rules regulate activities that may affect wetlands.

Tribal Laws Affecting Wetlands

Tribal governments in Montana safeguard the health, welfare, and economic security of their people. They protect aquatic resources—including wetlands—that are critical for water quality, fisheries and wildlife. The Confederated Salish and Kootenai Tribe and Blackfeet Nation currently have regulations and ordinances in place. Tribes on the other five Montana reservations are also developing wetland programs and strategies. If you own land adjacent to or within reservation boundaries, you need to consult with the appropriate tribal government office about wetlands on your property.

Navigating The Permit Maze

